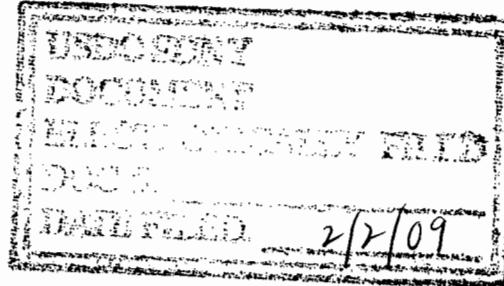


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

AMERICAN EMPIRE SURPLUS LINES :
INSURANCE CO.



Plaintiff, : -----X

ORDER OF DISMISSAL

-against- : -----X

08 Civ. 8727 (KNF)

SCOTTSDALE INSURANCE CO., ET AL.,: -----X

Defendants. : -----X

KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

It having been reported to this Court that, on the 2nd day of February 2009, the above-captioned action was settled,

IT IS HEREBY ORDERED that the above-captioned action be, and the same hereby is, dismissed. However, within thirty (30) days of this Order, either party may apply to the Court by letter for restoration of the action to the calendar of the undersigned, if the terms and conditions under which the parties have agreed to settle their dispute have not been fulfilled. In that event, the action will be restored.

Dated: New York, New York
February 2, 2009

SO ORDERED:

kevin nathaniel fox
KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

Sent copies via facsimile to:

Richard P. Bryne, Esq.
David E. Kluepfel, Esq.
Anthony LaTrace, Esq.